

Ser. No.: 10/526,423

Atty. Docket No.: 6400-0042WOUS

Art Unit: 3676

Request for Reconsideration dated July 23, 2007

In Response to Office Action of May 23, 2007

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REMARKS

Claims 7 and 9-15 were pending and examined. In the current Office Action, Claims 7 and 9-15 were rejected under 35 U.S.C. §103(a), no claims were objected to and no claims were allowed. The rejection of Claims 7 and 9-15 has been made final.

In this Request for Reconsideration, no claims are proposed to be amended, canceled or added. Accordingly, Claims 7 and 9-15, as previously filed, are presented for further examination. Favorable reconsideration of this application in light of the following discussion is requested.

Prior Art Rejections:

The Examiner rejects Claims 7, 9, 10 and 12-14 under 35 U.S.C. §103(a) as allegedly being unpatentable over European Patent Document No. EP 1 227 448 (EP '448) in view of Canals et al. (U.S. Patent No. 4,302,907), and further in view of Shaw (U.S. Patent No. 1,216,859); and Claims 11 and 15 are rejected as allegedly being unpatentable over EP '448 in view of Canals et al. and Shaw as applied to Claims 7, 9, 10 and 12-14, and further in view of Fumanelli (U.S. Patent No. 5,787,819). The Examiner makes these rejections final. These rejections are respectfully disagreed with, and are traversed below.

In a Response to Arguments Section (e.g., Section 4) of the Office Action, the Examiner notes that Canals et al. are "merely used as a secondary reference to clearly teach the use of a single lock actuator for double doors." Further, the Examiner states that "Shaw is used as a secondary reference to teach the use of a single lock actuator having a master/slave feature for two coaxial bolts which allows a master key to open both latches simultaneously and a slave key which only allows opening a 1<sup>st</sup> latch." As discussed below, Applicant respectfully disagrees with these characterizations of Canals et al. and Shaw.

Applicant submits that the arguments and remarks made previously are repeated and incorporated by reference herein and, in particular, the descriptions of EP '448, Canals et al. and Fumanelli.

At Section 2 of the Office Action the Examiner appears to argue that EP '448 discloses all of the limitations of independent Claims 7 and 12 but "fails to teach the use of a single lock mechanism for both the inner and outer doors comprising a hierarchical

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master/slave key system." See the Office Action at page 2, Section 2, lines 6-8. As noted above, the Examiner proposes combination with Canals et al. and Shaw to cure this deficiency.

Firstly, Applicant respectfully disagrees with the Examiner's position that one skilled in the art would look from EP '448, a drop safe having first and second lockable doors, to Canals et al., a personal security door arrangement, and then to Shaw, a master/slave locking mechanism operating two rollbacks 20 and 21. It is respectfully submitted that absent Applicant's disclosure, one skilled in the art would not have turned from a safe having separately accessible areas to the cited security door arrangement. Accordingly, it is respectfully submitted that EP '448 and Canals et al. can not be properly combined, and any attempt to combine them can only be made in light of the Applicant's disclosure. It is well settled that the combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a prima facie case of obviousness. See, for example, In re Oetiker, 977 F.2d 1443, 1447, 24 USPQ2d 1443, 1446 (Fed. Cir. 1992).

Further, it is submitted that absent Applicant's disclosure, there is no motivation, suggestion or incentive for one skilled in the art to combine the cited document as is suggested by the Examiner. It is respectfully submitted that neither of the references expressly or impliedly suggest the proposed combination nor does the Examiner present a convincing line of reasoning as to why one skilled in the art would have found the claimed invention and the recited safe lock lever for actuating both the outer and inner doors to have been obvious in light of these references. Applicant therefore concludes that the Examiner inappropriately uses Applicant's disclosure and hindsight reconstruction to pick and chose features of the cited art so as to render the claimed invention obvious. See, for example, In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). It is well settled that obvious cannot be established by combining teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive to do so. In re Bond, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). Applicant respectfully submits that the advantages set forth by the instant invention are recognized only by Applicant and not the cited art, and that there is no motivation or desirability to combine the features set forth absent Applicant's disclosure.

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However, assuming arguendo, that the proposed combination of EP '448, Canals et al. and Shaw is made, it is respectfully submitted that neither EP '448, Canals et al. nor Shaw, alone or in the proposed combination, expressly or implicitly, describe or suggest all of the subject matter of independent claims.

As previously argued, Canals et al. merely disclose a personal security door arrangement including an inner door 1 and an outer door 2, where both doors are opened from the outside as a coupled unit by a single key in a cylinder 11 of a lock 13 on the outer door 2 (see, e.g., Canals et al. at Column 5, lines 50-55 and FIGS. 5 and 6), while either the inner door 1 is opened individually from the inside by handle mechanism 5 (FIG. 2) or both the inner door 1 and outer door 2 may be opened as the coupled unit from the inside by operating a crank 20a to jointly secure the doors and then operating the handle 5 (FIGS. 3 and 6). See Canals et al. at Column 4, lines 15-35.

Accordingly, Canals et al. merely disclose an **exterior** mechanism (e.g., keyed entry through a cylinder 11 of lock 13) for opening two doors coupled together (by coupling means 6 and interlocking means 7) as a unit and, a first **interior** mechanism (e.g., handle 5) for opening only an inner door 1 and a second **interior** mechanism (crank 20a) to first couple the doors 1 and 2 together and, then handle 5 is actuated for opening the two coupled together doors. Canals et al. itself summarizes this two-tiered access, e.g., exterior (via the cylinder 11 of lock 13) versus interior driven operation (cranks 20a for coupling, then handle 5), at Column 4, lines 19-40.

As noted above, in the Response to Arguments Section of the Office Action, the Examiner notes that Canals et al. is "merely used as a secondary reference to clearly teach the use of a single lock actuator for double doors." Applicant respectfully submits that the "single lock actuator" is an inappropriate oversimplification of the disclosure of Canals et al. for, as illustrated above, numerous mechanisms are engaged to provide exterior, where only the coupled together doors may be opened by the cylinder lock 13, versus interior operation of the security door arrangement, where one or both of the doors may be opened with handle 5, but only after coupling by crank 20a. Accordingly, Canals et al. does not disclose a single lock actuator for individually operating an outside door and for jointly operating the outside door with an inside door as is recited in the instant claims. As argued above, multiple components are employed before the handle 5 of Canals et al. can be seen to provide such

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single action operation of one or both of a personal security door arrangement from the interior of a structure.

The Examiner appears to state that even if EP '448 and Canals et al. are somehow combined, the proposed combination of EP '448 and Canals et al. alone would not disclose the invention as recited in independent Claims 7 and 12. The Examiner, therefore, proposes further combination of EP '448 and Canals et al. with Shaw.

Shaw merely discloses a conventional master keyed cylinder lock having spring pressed tumblers 26 and 33 and rollbacks 20 and 21 employed within a single cylinder lock mechanism. Specifically, Shaw discloses a so-called "regular rollback 20," operated by both the change keys and the master key, and an "emergency rollback 21" operated by only the master key. See Shaw at page 1, lines 85-89. Shaw further describes that the master key actuates the emergency rollback 21 simultaneously with the regular rollback 20 to operate a corresponding part of the lock or latch mechanism that is not operated by the change key alone. See Shaw at page 2, lines 62-71.

It is assumed that the Examiner proposes exchanging the cylinder 11 of lock 13 as disclosed by Canals et al. with the master keyed cylinder lock (main part 10 and extension 11) as disclosed in Shaw. Assuming such an exchange is possible, it is not seen how the Examiner proposes that the externally mounted cylinder would cooperate with the internally mounted handle 5 and crank 20a to provide the so-called "single lock actuator."

Accordingly, even if it were proper to combine EP '448, Canals et al. and Shaw, the proposed combination would still not disclose the present invention as recited in independent Claims 7 and 12. At best, the proposed combination merely discloses a safe 2 comprising an outer door 18' hinged together with an inner door 20', the inner door 20' having a cutout portion to allow access to certain interior spaces 14, 16 and further having a first safe lock mechanism 19' for the outer door 18' and a second lock mechanism 21' for the inner door 20' (as disclosed in EP '448); the lock mechanisms 19' and 21' somehow coupled together (not disclosed by any reference) such that an exterior keyed cylinder lock 13 opens the two doors coupled together as a unit, a first interior handle 5 for opening only the inner door 1 and a second interior crank 20a for opening the two coupled together doors (as disclosed by

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Canals et al.); and further where the exterior keyed lock 13 has change keys and at least one master key for opening the lock 13 (as disclosed by Shaw).

It is respectfully submitted that the proposed combination of EP '448, Canals et al. and Shaw still does not disclose or suggest all of the subject matter of independent Claims 7 and 12, as now written. For example, it is respectfully submitted the proposed combination does not suggest or make obvious the subject matter of independent Claim 7, which recites in pertinent part:

"7. A safe comprising:

an inner safe door, an outer safe door, ..., and

wherein the inner safe door and the outer safe door each comprise respective dedicated locking mechanisms, and wherein the safe further comprises a safe lock lever mounted to the outer safe door and capable of actuating from the outside of the safe both the outer safe door locking mechanism and the inner safe door locking mechanism such that in the closed position the safe lock lever connects the inner safe door and the outer safe door to each other and locks them to the safe and in a first opening position the safe lock lever unlocks only the outer safe door by actuating only the outer door locking mechanism and in a second opening position the safe lock lever actuating only the inner door locking mechanism to keep the inner safe door closed together with the outer safe door so that the joined together doors both open as a single safe door to release the opening and unlock the safe."

Independent Claim 12 includes similar limitations. In that independent Claims 7 and 12 are deemed allowable, Claims 9, 10, 13 and 14 that depend from and further limit these independent claims, are also deemed allowable.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of Claims 7, 9, 10 and 12-14 under 35 U.S.C. §103(a) as being unpatentable over the proposed combination of EP '448, Canals et al. and Shaw.

In Section 3 of the Office Action, the Examiner rejects Claims 11 and 15 under 35 U.S.C. §103(a) as allegedly being unpatentable over EP'448 in view of Canals et al. and Shaw as applied to Claims 7, 9, 10 and 12-14, and further in view of Fumanelli.

The deficiencies of the proposed combination of EP '448, Canals et al. and Shaw as applied to Claims 7, 9, 10 and 12-14 are outlined above. Fumanelli merely discloses an electronic door lock control means. The substitution of an electronic door lock of Fumanelli for the lock of EP'448 is not seen to disclose or suggest subject matter that may cure the

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above note deficiency in the application of EP '448, Canals et al. and Shaw to the independent claims at least since no where is Fumanelli seen to disclose or suggest, inter alia, a safe lock mounted to the outer safe door and capable of actuating from the outside of the safe both the outer safe door locking mechanism and the inner safe door locking mechanism to provide recited "a first opening position" and "a second opening position."

In view of the above, it is respectfully submitted that Claims 11 and 15 are patentable over the proposed combination of EP '448, Canals et al. and Shaw as applied to Claims 7, 9, 10 and 12-14, and further in view of Fumanelli, at least since Claims 11 and 15 depend from and further limit independent Claims 7 and 12, which are deemed allowable.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of Claims 11 and 15 as allegedly being unpatentable over EP '448, Canals et al. and Shaw as applied to Claims 7, 9, 10 and 12-14, and further in view of Fumanelli.

Applicant believes that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. In view of the foregoing points that distinguish the Applicant's invention from those of the prior art and render the Applicant's invention non-obvious, the Applicant respectfully requests that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned at the numbers provided below.

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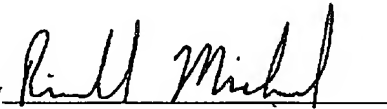
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No fee is believed due with the filing of this Amendment and Reply. However, if a fee is due, Applicant authorizes the payment of any additional charges that may be necessary to maintain the pendency of the present application to the undersigned attorney's Deposit Account No. 503342.

Respectfully submitted,

Date: July 23, 2007

By



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